

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Section 20.19 of the Commission's Rules)	WT Docket No. 01-
	309	
Governing Hearing Aid-Compatible Telephones)	RM-8658

**Report and Conditional Request for Waiver--47 C.F.R. § 20.19(d)(2)
Hearing Aid Compatibility--Inductive Coupling**

Wilkes Cellular, Inc. ("Reporter"), a digital wireless service provider, pursuant to the Federal Communications Commission's ("Commission" or "FCC") *Report and Order* in WT Docket No. 01-309, FCC 03-168, 29 CR 1299 (August 14, 2003), hereby files a report concerning the availability of digital phones for the hearing impaired and seeks a waiver of 47 C.F.R. § 20.19(d)(2).¹ This filing does not address the reporting requirements or waiver needs required by the *Report and Order* which are properly addressed by handset manufacturers who are in the best position to report on their own activities.

I. Carrier Information

¹ On July 7, 2004 the FCC published notice that it had obtained OMB approval to collect hearing aid compatibility reports from wireless carriers. 69 Fed. Reg. 40928 (Wednesday, July 7, 2004). Pursuant to the *Report and Order, Amendment of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, 68 Fed. Reg. 54173 (September 16, 2003), reports are due every six months after rule effectiveness for the first three years and then annually for the next two years. The first reports were filed in November 2004. Because the T3 compliance deadline is September 18, 2006, and a report and waiver is required at this time, Reporter's next report shall be filed six months from now on or about March 18, 2007.

Reporter is a small Commercial Mobile Radio Services carrier that provides service in rural Georgia. Reporter has not received a request for a HAC handset.

II. Handset Discussion

Reporter does not offer any HAC-compliant handsets, or any handsets, at this time. As previously reported to the Commission in other filings, Reporter is caught in a technology glitch in its effort to overlay a GSM network over its analog network. That system modification remains a serious problem for Reporter. Reporter cannot get the GSM billing system to work properly with home-based subscribers; the GSM system works for roamers including roamers utilizing HAC-compliant handsets. Because Reporter remains unable to offer GSM service to subscribers, Reporter does not offer any handsets at this time. Because Reporter does not offer any handsets to subscribers at this time, and because the Commission's regulations provide that "mobile service providers that offer two or fewer digital wireless handsets in the U.S. are exempt from the requirements of this section," 47 C.F.R. § 20.19(e)(1), Reporter qualifies for the *de minimis* exemption from the HAC-compliance requirement. Reporter acknowledges that the HAC-compliance rule would become applicable should Reporter offer more than two wireless handset models at some time in the future.

III. Hearing Aid Compatible Handset Labeling/Insert Requirement

Not applicable because Reporter is not distributing mobile service handsets at this time. *See* Section II. above.

IV. Outreach Efforts & Interoperability

Not applicable because Reporter is not distributing mobile service handsets at this time. *See* Section II. above.

Respectfully Submitted,

September 18, 2006

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